

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OPELTON KELLY,

Petitioner,

Case Number: 2:07-13259

v.

Judge Arthur J. Tarnow

DAVID L. BERGH,

Magistrate Judge Paul J. Komives

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #17] filed August 28, 2008. The Magistrate Judge recommends that this Court grant respondent's motion to dismiss. Petitioner filed objections [Docket #21] on October 20, 2008, after the Court granted his motion to extend time.

Having reviewed the file, the Report and Recommendation and the objections the Court **ADOPTS** the Report and Recommendation as the findings and conclusions of the Court. Accordingly, respondent's motion to dismiss is **GRANTED**.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: November 10, 2008

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on November 10, 2008, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary